

CASE NO. 19-70244

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NP SUNSET LLC D/B/A SUNSET STATION HOTEL CASINO

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent,

and

INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 501, AFL-CIO

Proposed Intervenor.

MOTION TO INTERVENE

David A. Rosenfeld, Bar No. 058163
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501
Telephone (510) 337-1001
Fax (510) 337-1023

Attorneys for Proposed Intervenor,
INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 501, AFL-CIO

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 501, AFL-CIO, the Proposed Intervenor in this matter, hereby moves this Court for an Order permitting it to intervene in support of Respondent in the proceeding in *NP Sunset LLC d/b/a Sunset Station Hotel Casino v. National Labor Relations Board*, Case No. 19-70244.

Intervention is sought under Federal Rule of Appellate Procedure 15.

Normally, charging parties such as INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 501, AFL-CIO are permitted intervention in these proceedings seeking review of an Order of the National Labor Relations Board. See *International Union, UAW, Local 283 v. Scofield* (1965) 382 U.S. 205, 208. Indeed, *Scofield* holds that charging parties such as INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 501, AFL-CIO are normally entitled to intervention in the Circuit Court.

Dated: February 11, 2019

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
David A. Rosenfeld

Attorneys for Proposed INTERVENOR
INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 501,
AFL-CIO

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CERTIFICATE OF SERVICE

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501.

I hereby certify that on February 11, 2019, I electronically filed the foregoing **MOTION TO INTERVENE** with the United States Court of Appeals, for the Ninth Circuit, by using the Court's CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Notice of Electronic Filing by the Court's CM/ECF system.

I certify under penalty of perjury that the above is true and correct.
Executed at Alameda, California, on February 11, 2019.

/s/ Karen Kempler
Karen Kempler